

REMARKS

Applicants respectfully request reconsideration of this Patent Application, particularly in view of the following remarks.

Preliminary Amendment and Applicants' Prior Election

The Examiner indicates Claims 1-56 and 97-116 have been withdrawn. However, in the Preliminary Amendment dated 06 July 2004, Applicants amended Claims 1-56 to recite absorbent articles, thereby placing Claims 1-56 into elected Group II. Claims 97-116 also were amended to depend from amended Claim 1.

Applicants respectfully assert that previously amended Claims 1-56 and 97-116 are properly classified in elected Group II. Applicants apologize for the unintentional typographical error on page 34 of the Preliminary Amendment that mistakenly says Claims 1-56 and 97-116 are classified in Group I instead of elected Group II. Clearly from the Preliminary Amendment and the surrounding remarks, Applicants intended to say Claims 1-56 and 97-116 are properly classified in elected Group II. Despite Applicants' typographical error, pending Claims 1-56 and 97-166, as amended, are clearly in elected Group II. Applicants assert that the consideration of these claims will not burden the Examiner, as the Examiner has not yet considered any claim on the merits (due to the present second written restriction requirement) and

many of these claims are also being withdrawn by the Examiner in this second written restriction requirement.

Restriction/Election

The Examiner has identified numerous species alleged to be patentably distinct. The species are listed in the last paragraph at page 2 of the Office Action. Applicants respectfully urge that the Examiner begin prosecution on the merits in response to Applicants' good faith attempt to respond to the Examiner's species identification.

Applicants elect the following alleged species from the species identified by the Examiner: a surface area of about 5% to 80%; a discrete region extending about 10% to 95% of the surge material length; a superabsorbent add-on level of about 1% to 400%; a surge material comprising a bonded carded web; a superabsorbent precursor comprising a hydrolyzed copolymer of an α -olefin, an α,β -ethylenically unsaturated organic acid anhydride or ester; a superabsorbent material comprising a polyvinyl amine; and the plurality of discrete regions being located in the surge material.

Applicants respectfully assert that claims directed to the discrete regions extending through a length of the surge material thickness (e.g., Claim 6) are generic to claims reciting a particular length (e.g., Claims 7, 11, and 12). Furthermore,

Applicants generally assert broader ranges are generic to narrower ranges, but Applicants have elected the broadest ranges herein to expedite prosecution on the merits with the belief that such narrower ranges will be rejoined upon allowance of the generic claims.

Applicants believe Claims 1-3, 6, 8-11, 13, 14, 17-22, 25-30, 32-34, 41-60, 63, 65, 67-71, 75, 76, 78-80, 87-90, 92-95, 97, 98, 101-104, 106-109, and 116 read on the elected species.

Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,



Mark D. Swanson
Regis. No. 48,498

Pauley Petersen & Erickson
2800 West Higgins Road, Suite 365
Hoffman Estates, Illinois 60195
(847) 490-1400 FAX (847) 490-1403